

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA

PRETRIAL CONFERENCE INSTRUCTIONS

Purpose. A conference-type hearing will be held in chambers in the Federal Courthouse in the city specified and at the time indicated in the order. The hearing will be addressed to consideration of the matters provided in Rule 16, including the limitation of issues requiring trial, rulings on pending motions, and settlement possibilities.

Attendance. At least one counsel for each party is expected to attend who will be well informed about the factual and legal issues of the case(s) and who, under Rule 16(c) is “authorized . . . to make stipulations and admissions about all matters that can reasonably be anticipated for discussion.” Final pretrial conferences “must be attended by at least one attorney who will conduct the trial for each party and by any unrepresented party.” Rule 16(e), Fed.R.Civ.P. **Counsel appearing at the conference may be required to proceed at trial notwithstanding the naming of others as designated trial counsel.** Counsel of record is directed to give notice of the conference to any persons who make an appearance in the case subsequent to notice of the conference.

Preparation. Promptly upon receipt of this notice, plaintiff’s counsel is to initiate discussions with other counsel with the objective of drafting a proposed order that should be appropriate for entry by the court at the conclusion of the conference. The parties should attempt to ascertain what basic facts are not really contested and to clarify their respective positions on contested issues (*e.g.*, just what is being denied under a “general denial”).

By the date specified in the order setting the pretrial conference, plaintiff’s counsel (or defendant’s counsel, if plaintiff is *pro se*) shall submit to the chambers e-mail box of the undersigned magistrate judge (davis_chambers@alnd.uscourts.gov) a copy of the parties’ proposed order in WordPerfect 10 format or higher, or Word format, furnishing other parties with a copy. It is anticipated that in most cases the

proposed pretrial order, with only minor insertions and changes, could be adopted by the court and signed at the close of the conference.

A sample of a proposed pretrial order is attached to these instructions to illustrate the format preferred by the court and the substance of an order in a typical case. Each pretrial order must, of course, be tailored to fit the circumstances of the individual case. Pretrial orders in non-jury cases should follow the provision in the sample order for establishing a procedure and schedule for preparation of a detailed statement of agreed facts.

Consent to Jurisdiction of Magistrate Judge. If they have not already done so, in the event all parties wish to consent to the exercise of final dispositive jurisdiction by the magistrate judge pursuant to 28 U.S.C. § 636(c), a joint statement of consent, signed by **all** counsel and unrepresented parties should be filed with the clerk or brought to the pretrial conference. (A consent form is enclosed for the convenience of the parties.) Otherwise, after the pretrial conference, the case will be reassigned to a district judge for all further proceedings, including trial and the entry of final judgment.